

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

CRAIG DOWLING,

Plaintiff,

v.

3:07-cv-163

TIM HUTCHISON, et al.,

Defendants.

**ORDER**

This is a *pro se* prisoner's civil rights action pursuant to 42 U.S.C. § 1983, in which the plaintiff alleges that, while incarcerated in the Knox County Detention Facility, he was assaulted by the defendant jailers. On motion of the defendants, the trial date was cancelled and case was stayed pending conclusion of the criminal proceedings against plaintiff. Defense counsel recently notified the court that the criminal proceedings against plaintiff have been concluded. Accordingly, the stay in this case is **LIFTED**.

Plaintiff has filed a pleading called "Motion of Discovery, Continuing Duty to Disclose" [Court File No. 94], in which he informs defense counsel of the status of his criminal case as part of his continuing duty to disclose. The pleading is not a motion and thus is **DENIED** as **MOOT**.

Plaintiff has filed a motion to compel discovery. In response, defendants state that, in light of the stay, they had not responded to plaintiff's discovery requests but that, anticipating the lifting of the stay, they would do so. Based upon the record, it appears that defendants have either complied with the discovery requests or have sought additional time within which to respond. Accordingly, the motion to compel discovery [Court File No. 95] is **DENIED**. Defendants' motion for an extension of time [Court File No. 104] is **GRANTED**. Defendants shall have up to and including June 30, 2009, in which to respond to plaintiff's discovery requests.

Plaintiff moves the court to issue a new scheduling order and set this case for trial. The motion [Court File No. 103] is **GRANTED**. The Clerk is **DIRECTED** to set the case for trial and issue a new scheduling order.

**ENTER:**

s/ Thomas W. Phillips  
United States District Judge